

AMENDED IN SENATE APRIL 2, 2009

**SENATE BILL**

**No. 704**

**Introduced by Senator Denham**  
(Coauthor: Assembly Member Huffman)

February 27, 2009

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~~An act to amend Section 163 of the Military and Veterans Code, relating to the state militia. An act to amend Item 5240-301-0660 of Section 2.00 of the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), and to amend Items 5225-301-0660 and 5225-491 of Section 2.00 of the Budget Act of 2008 (Chapters 268 and 269 of the Statutes of 2008), relating to the state budget.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 704, as amended, Denham. ~~State militia. Adjutant General: duties. State budget.~~

*The Budget Act of 2008 appropriates \$136,275,000 for construction of the Condemned Inmate Complex at San Quentin State Prison. A prior appropriation in the Budget Act of 2003 appropriated \$220,000,000 for this construction and the balance was reappropriated in the Budget Act of 2008.*

*This bill would eliminate both appropriations and the reappropriation, to the extent these funds have not been expended.*

~~Existing law requires the Adjutant General to perform various duties with regard to the National Guard as are prescribed in the Military and Veterans Code and any additional duties that are consistent with the regulations and customs of the federal military organizations, as specified.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

*The people of the State of California do enact as follows:*

5240-301-0660—For capital outlay, Department of Corrections, payable from the Public Buildings Construction Fund .....	271,710,000
	51,710,000

(1) 61.04.040-California Correctional Institution, Tehachapi: Wastewater Treatment Plant—Construction.....	15,743,000
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(3)	61.11.008-Richard J. Donovan Correctional Facility at Rock Mountain, San Diego: Substance Abuse Program Modular Replacement—Construction.....	2,074,000
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(5) 61.47.002-California State Prison-Sacramento, Represa: Psychiatric Services Unit/Enhanced Outpatient Care Phase II—Construction.....	15,248,000
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1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the projects authorized by this item.

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ject costs authorized in this item from any appropriate source, including, but not limited to, Section 15849.1 of the Government Code and the Pooled Money Investment Account pursuant to Sections 16312 and 16313 of the Government Code.

3. The State Public Works Board may authorize the augmentation of the cost of construction of the projects scheduled in this item pursuant to the board's authority under Section 13332.11 of the Government Code. In addition, the State Public Works Board may authorize any additional amount necessary to establish a reasonable construction reserve and to pay the cost of financing, including the payment of interest during construction of the projects, the costs of financing a debt service fund, and the cost of issuance of permanent financing for the project. This additional amount may include interest payable on any interim financing obtained.
4. This department is authorized and directed to execute and deliver any and all leases, contracts, agreements, or other documents necessary or advisable to consummate the sale of bonds or otherwise effectuate the financing of the scheduled projects.
5. The State Public Works Board shall not itself be deemed a lead or responsible agency for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for any activities under the State Building Construction Act of 1955 (Part 10b (commencing with Section 15800) of Division 3 of Title 2 of the Government Code). This section does not exempt this department from the requirements of the California Environmental Quality Act. This section is declarative of existing law.
6. Notwithstanding Section 2.00 of the Budget Act, funds derived for Schedule (4) from the lease-purchase financing method deposited in the State Treasury, are hereby available for encumbrance until June 30, 2008, to the State Public Works Board on behalf of the Department of Corrections.

SEC. 2. Item 5225-301-0660 of Section 2.00 of the Budget Act of 2008 is amended to read:

5225-301-0660—For capital outlay, Department of Corrections and Rehabilitation, payable from the Public Buildings Construction Fund.....	198,630,000
	62,355,000

Schedule:

- (.3) 61.07.029-Folsom State Prison, Represa:  
Convert Officer and Guards Building to  
Office Space—Construction..... 6,768,000
- (.5) 61.10.101-California Men's Colony, San  
Luis Obispo: Central Kitchen Replace-  
ment—Working drawings and construc-  
tion..... 15,263,000
- (1) ~~61.12.027-San Quentin State Prison:~~  
~~Condemned Inmate Complex—Work-~~  
~~ing drawings and construction..... 136,275,000~~
- (2) 61.15.035-California Rehabilitation  
Center, Norco: Replace Men's  
Dorms—Construction..... 14,993,000
- (3) 61.22.006-Chuckwalla Valley State Pri-  
son, Blythe: Wastewater Treatment Plant  
Improvements—Construction..... 25,331,000

Provisions:

- 1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the construction of the projects authorized by this item.
- 2. The Department of Corrections and Rehabilitation and the State Public Works Board are authorized and directed to execute and deliver any and all leases, contracts, agreements, or other documents necessary or advisable to consummate the sale of bonds or otherwise effectuate the financing of the scheduled projects.
- 3. The State Public Works Board shall not be deemed a lead or responsible agency for purposes of the California Environmental Quality Act (Division 13 (commenc-

ing with Section 21000) of the Public Resources Code)  
for any activities under the State Building Construction  
Act of 1955 (Part 10b (commencing with Section  
15800) of Division 3 of Title 2 of the Government  
Code). This provision does not exempt the Department  
of Corrections and Rehabilitation from the require-  
ments of the California Environmental Quality Act.  
This provision is declaratory of existing law.

4. Notwithstanding any other provision of law, the funds appropriated in this item shall be available for expenditure during the 2008–09 fiscal year, except appropriations for acquisitions which shall be available for expenditure until June 30, 2011, appropriations for working drawings which shall be available for expenditure until June 30, 2010, and appropriations for construction which shall be available for expenditure until June 30, 2013. In addition, the balance of the funds appropriated for construction that have not been allocated, through fund transfer or approval to bid, by the Department of Finance on or before June 30, 2011, shall revert as of that date to the fund from which the appropriation was made.

*SEC. 3. Item 5225-491 of Section 2.00 of the Budget Act of 2008 is amended to read:*

- 5225-491—Reappropriation, Department of Corrections and Rehabilitation. The balances of the appropriations provided in the following citations are reappropriated for the purposes and subject to the limitations, unless otherwise specified, provided for in the appropriations:
- 0660—Public Buildings Construction Fund
- (1) ~~Item 5240-301-0660, Budget Act of 2003 (Ch. 157, Stats. 2003)~~
  - (4) ~~61.12.027-California State Prison-San Quentin, San Quentin: Condemned Inmate Complex—Preliminary plans, working drawings, and construction~~
  - (2) Item 5225-301-0660, Budget Act of 2005 (Chs. 38 and 39, Stats. 2005)

- 1           (2) 61.04.040-California Correctional Institution,  
2           Tehachapi: Wastewater Treatment Plant Renova-  
3           tion—Construction  
4       0747—1988 Prison Construction Fund  
5       (1) Item 5225-301-0747, Budget Act of 2005 (Chs. 38  
6           and 39, Stats. 2005)  
7       (1) 61.27.002-Wasco State Prison, Wasco: Prescreen-  
8           ing Facility at Wastewater Treatment  
9           Plant—Construction

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11       ~~SECTION 1. Section 163 of the Military and Veterans Code~~  
12 ~~is amended to read:~~

13       ~~163. The Adjutant General shall perform those duties as are~~  
14 ~~prescribed in this code and any additional duties consistent with~~  
15 ~~the regulations and customs of the United States Army, United~~  
16 ~~States Air Force, and United States Navy as may be prescribed by~~  
17 ~~the Governor. The Adjutant General shall issue all orders in the~~  
18 ~~name of the Governor.~~